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COUNTY OF LOS ANGELES DEPARTMENT OF HUMAN RESOURCES


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September 26, 2016

To: Supervisor Hilda L. Solis, Chair
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: Lisa M. Garrett 
Director of Personnel

David Chittenden, Director 
Internal Services Department

Subject: **STATUS REPORT ON CREATING A COUNTY OF LOS ANGELES ZERO TOLERANCE POLICY FOR HUMAN TRAFFICKING AND HUMAN TRAFFICKING RELATED ACTIVITIES**

On June 21, 2016, pursuant to a motion by Supervisor Knabe, your Board instructed the Department of Human Resources (DHR) and Internal Services Department (ISD), in collaboration with the Chief Executive Office (CEO) and County Counsel, to review current Countywide Discipline Guidelines, Employee Accountability policies and relevant contracting policies in order to determine how a zero tolerance policy for County employees and contractors who engage in human trafficking related activities could be incorporated.

This memorandum provides an update of actions taken since your Board's June 21, 2016 request.

Background

As stated in the June 21, 2016 motion, the County of Los Angeles has taken significant steps in protecting victims of child sex trafficking. Children as young as 10 years old are coerced into this abhorrent enterprise through physical threats to themselves as well as their families. Although the County of Los Angeles has made considerable progress in its

fight against sex trafficking of minors across our region, your Board is committed to doing more.

To address your directive, a workgroup comprised of DHR, ISD, CEO and County Counsel staff was established (see attachment "A" for a list of members). This workgroup met regularly to assess the employee relations and legal implications of incorporating a zero tolerance policy for County employees and contractors who engage in human trafficking and related activities. Ultimately, this workgroup determined that it is feasible to amend several authorities.

Earlier this year, Massachusetts Governor Charles Baker issued Executive Order Number 568 to establish a zero tolerance policy for state employees and contractors engaging in human trafficking and related activities. Although the Commonwealth of Massachusetts' Human Resources Division has yet to pass its zero tolerance policy, the Los Angeles County workgroup obtained and reviewed a draft of the Commonwealth's proposed policy for purposes of taking a similar approach.

Recommendations

Based upon the workgroup's review of the Countywide Discipline Guidelines; the DHR Policies, Procedures and Guidelines; contracting policies; and the County Code, it is recommended that the following changes be implemented to reflect the County's position that there is zero tolerance for human trafficking and related activities and employees that engage in such activity will be subject to discipline, including discharge from County service.

1. Countywide Discipline Guidelines

In order to address concerns of County employees engaging in human trafficking and related activities, it is recommended that Section VI of the Countywide Discipline Guidelines, entitled "On- or Off-Duty Criminal or Unbecoming Conduct," Subsection C, be revised to include "human trafficking and related activities." It is recommended to include "related activities" in order to encompass any and all activities attempted or accomplished in furtherance of or in connection to human trafficking as follows:

Conviction of crimes (whether felony or misdemeanor or infraction)
or unbecoming conduct that may include, but not limited to, illegal
drugs, theft, inappropriate sexual behavior, crimes against persons
or property, *human trafficking and related activities*, etc.

Violation of this subsection will prescribe disciplinary action, including discharge from County service.

2. DHR Policies, Procedures and Guidelines

It is also recommended that the Los Angeles County Department of Human Resources – Policies, Procedures and Guidelines, Policy Number 514 entitled, “Designation of Sensitive Positions and Requirements for Criminal History,” be revised to include “human trafficking and related activities” as a potentially disqualifying job related offense for sensitive positions with work functions such as care, oversight, or protection of persons through direct contact with such persons; public safety or law enforcement.

3. Los Angeles County Code

In addition to the guidelines and policies, it is recommended that the County Code Section 5.12.110 be amended to read:

Any applicant for County employment who has been convicted of either worker's compensation fraud *or human trafficking* is barred from employment with the County of Los Angeles.

It is also recommended to add a subsection to Section 5.12.110 that reads:

If an individual can demonstrate they were a minor or victim of human trafficking at the time of arrest or conviction for prostitution or a related offense, this prohibition would not apply, as the County values survivors.

4. Contracting Policies

In an effort to create a zero tolerance policy for human trafficking and related activities that reaches County contractors, it is recommended that:

- a. A contractual provision(s) be added to the standard County contract boilerplate that would effectively disqualify any contractor(s) and/or contract worker(s) that has been convicted of a human trafficking offense(s) from receiving a contract award or working on a County contract. Such provision(s) would be included in all County solicitations and awarded contracts.
- b. An Attestation form be included in the standard County solicitation package, for each proposer(s) to affirmatively acknowledge and certify, by signature, that they are both aware of, and would be in compliance with, the aforementioned provision(s) through the term of the contract.
- c. The contractual provision(s) and form be included in every contract prospectively, at the effective date, and added to any existing County contract when amended.

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If approved as recommended, ISD and County Counsel would make the necessary contract modifications, notify County departments, and provide instructions on implementation.

Conclusion

This status report is respectfully submitted for your Board's consideration. Upon direction from your Board, DHR and ISD are prepared to implement any and all recommendations as described in this memorandum.

Should you have any questions, please contact Lisa M. Garrett at (213) 974-2406 or Dave Chittenden at (323) 267-2103, or your staff may contact Epifanio Peinado, Chief Deputy Director, Human Resources, at (213) 974-2451, or Joe Sandoval, Administrative Manager, Internal Services, at (323) 267-2109.

LMG:EP
CJD:sh

Attachment

c: Chief Executive Officer
County Counsel
Executive Officer, Board of Supervisors

ZERO TOLERANCE – HUMAN TRAFFICKING WORKGROUP

Department of Human Resources

Epifanio Peinado, Chief Deputy
Rodney Collins, Principal Analyst
Michael A. Seward, Principal Analyst
Christine J. de Leon, Human Resources Analyst III

Internal Services Department

Joe Sandoval, Administrative Manager XV
Yolanda Young, Administrative Manager XIII

County Counsel

Richard Brouwer, Senior Deputy County Counsel
Nancy Takade, Senior Deputy County Counsel

Chief Executive Office

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